

MINUTES

The Tennessee State Board of Cosmetology held a meeting on October 6, 2008 at 9:00 a.m. CDT, in Nashville, Tennessee.

The following members were present: H. D. Adcock, Chairman, Linda Colley, Vice Chairman, June Huckleby, Muriel Smith, Nina Coppinger, Janet Wormsley, and Judy Golden. Lee Bowles and Pearl Eva Walker were not present.

Other present were: Beverly Waller, Executive Director, Terrance Bond, Staff Attorney and Debbie Gean, Administrative Assistant I.

Chairman H. D. Adcock welcomed everyone to the board meeting.

Chairman H. D. Adcock called for roll call.

MINUTES

The board received the minutes from the August 4, 2008 board meeting late, so they will vote on the minutes at the November meeting.

APPEAR BEFORE THE BOARD

Ciera Gordon – Madison, TN – Present. Ms. Gordon was present at the meeting to ask for approval of an online video that will prepare students for the practical exam. Ms. Gordon states that she studied the CIB and studied the law book. The board informed Ms. Gordon that they can not endorse this product and that it would need to state that this video is not approved or recommended by the State Board of Cosmetology.

Harry Knox – Chattanooga, TN – Present. Mr. Knox is present at the meeting to discuss his school. Mr. Knox recently closed his school and had plans to reopen his school at a new location. Ms. June Huckleby, Board Member stated that Mr. Larry Chadwick, Inspector and she had been to two (2) different locations and both locations were not adequate for schools.

The board informed Mr. Knox that he would have to open as a new school with the required twenty (20) new student applications. Once Mr. Knox finds a location for the school and submits the required paperwork the board will send a board member and inspector to inspect the facility.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden that when Mr. Knox finds a new location for his school he must open as a new school with twenty (20) new student applications. Motion carried unanimously.

Claudia Guillen Blanco – Present. Ms. Blanco's paperwork for reciprocity of her cosmetology license from El Salvador was presented at the August board meeting. The

board voted to require Ms. Blanco to appear before the board at the October board meeting. The board was not clear on her educational hours or her work history.

Ms. Blanco received 2,000 hours in school then worked in a salon for two (2) years. Ms. Blanco was concerned about taking her examination since she is not able to speak English very well. Ms. Beverly Waller, Executive Director stated that Ms. Blanco may want to take an English class before she takes the exam.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to require Ms. Blanco take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

Jamie Scott & Sybill Sellani – Coffee County Beauty Academy – Present. Ms. Sellani was present at the August meeting to discuss failing the cosmetology instructor examination twice in Nashville. Ms. Sellani presented her handout to the board for review and stated that she did not understand why she failed the examination. Ms. Sellani stated that she went to Knoxville to take her instructor examination again and passed with a score of 91. She also felt she was rated different by the proctor. Ms. Sellani states she did not change anything on her instructor examination from the initial exam she took at the Nashville site. Ms. Sellani stated to the board the treatment she received by the proctor and rater at the Knoxville test site was much better than the way she was treated at the Nashville test site. She also stated she was rated different by the Knoxville rater which shows there is not consistency in the rating at the different test sites. Ms. Beverly Waller, Executive Director stated that she would contact someone at PSI concerning this issue.

Diane Davis – Miller Motte – Clarksville – Present. Ms. Davis stated that she has questions on the education requirements to enroll in a school and take the examination. Ms. Davis states that when many of the students start school they are required a different education than when they take the examination. Ms. Davis stated it would help if the schools would notify the students when they begin, that they will need different requirements to take the examination. Ms. Davis stated that she has several students that are Fort Campbell soldier wives that are from other countries and not able to obtain their education documents.

The board suggested that the students may need to take the GED so they would be able to take the examination without having to obtain documents they may not be able to obtain.

ADMINISTRATIVE REPORT

An application for a new school of cosmetology at Remington College – Memphis Campus was presented to the board at the August 4, 2008 meeting. The board voted that the board member and inspector visit the proposed school for the required inspection. The inspection was conducted August 21, 2008 by Pearl Eva Walker, Board Member and Jerry Biddle, Inspector. The school was found to be in compliance with the

requirements for a school of cosmetology in Tennessee and approved to open. Ms. Waller stated she needs the board's final approval.

MOTION was made by Ms. Linda Colley and seconded by Ms. June Huckleby to approve the school to open. Motion carried unanimously.

At the August board meeting there was a discussion as to the sign for Remington College Nashville campus which stated "The Salon at Remington College". The board stated this sign was misleading and Remington was advised. They have now submitted the proposed sign to read "The Student Salon at Remington College".

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to accept the new name on the sign. Motion carried unanimously.

An application for examination was submitted by Genesis Career College for Archana Rajiv Vyas. Ms. Waller is asking the board to review Mr. Vyas high school educational documents and determine if they will accept for proof of high school education.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to accept the educational documents. Motion carried unanimously.

An application for examination from Son Van Huynh who completed 600 hours in the manicuring curriculum at Visions Academy of Hairdressing in Connecticut. Connecticut does not have a separate manicurist license. Manicuring is included in the cosmetology license which is a 1,500 hour curriculum. Mr. Huynh completed the curriculum October 15, 2001.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to request Mr. Huynh to take 600 hours in manicuring and take and pass the manicurist examination to be licensed in the State of Tennessee. Motion carried unanimously.

An application for examination from Hadar Hassan Binary who completed 1,500 hours in the cosmetology curriculum at Tennessee Technology Center in Nashville. Ms. Waller is asking the board to review the documents submitted for proof of high school education and determine if they will accept as proof of high school education.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to have Mr. Terrance Bond, Staff Attorney write a letter requesting more information. Motion carried unanimously.

An application for examination from Kenya Michelle McEwen who has completed 1,500 hours at Genesis Career College was submitted. The legal department has advised that all applications for examinations for candidates that have felonies must be presented to the board for review and approved.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to approve Ms. McEwen to take the examination. Motion carried unanimously.

A request from Margaret Herron from Georgia Career Institute for approval of a high school diploma from Japan for enrollment in school was presented to the board. The student's name is Masako Tsukahara.

The board is requesting more information before they can make a decision.

A request from The Beauty Institute for approval of a high school diploma from Korea for Chan Hee Lee for enrollment in school and also would like approval to use 300 hours of his license from Korea toward the hours required in the cosmetology curriculum in Tennessee.

MOTION was made by Ms. Linda Colley and seconded by Ms. Janet Wormsley to accept the diploma. Motion carried unanimously.

MOTION was made by Ms. Judy Golden and seconded by Ms. Linda Colley to allow him to use his 300 hours toward the cosmetology curriculum. Motion carried unanimously.

A request from Bhavikaben Patel from India for approval of her educational documents for enrollment in a cosmetology school was presented. She would also like the board to consider her training in India along with her 1 year of employment as a practicing beautician giving her the necessary credits due. No specific amount of her hours is listed in her documents.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to require Ms. Patel to obtain 1,500 hours of instruction in the cosmetology curriculum in a licensed cosmetology school, then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

A response to Ms. Karri Kelly after the board had reviewed her letter concerning failing of the cosmetology practical examination three (3) times. The Board advised she contact PSI concerning special accommodations. Ms. Waller has her response after talking with PSI and she does not have a physical disability so no special accommodations can be made to enable her to pass the practical portion of the examination. She is asking the board to throw out the 80% score for sanitation which would allow her to pass the examination.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to deny her request. Motion carried unanimously.

A request for extension from the 2008 instructor seminar from Vantinties Johnson was submitted. His email states he was not aware he was required to obtain sixteen (16)

hours of continuing education. He holds a license in Illinois as well as Tennessee and in Illinois, continuing education hours are not required to maintain a license.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to deny this request for extension. Motion carried unanimously.

A request for extension from the 2008 instructor seminar from Rikki Danielle Wichman was submitted. She sent a copy of receipt that she paid her fee but was sick that weekend and was unable to attend. She did not submit a physician statement.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request a statement from her doctor then a decision will be made. Motion carried unanimously.

A request for extension from the 2008 instructor seminar from Stefanie Hartman Colucci was submitted. States she did not attend the seminar due to change of address and she did not receive information regarding the seminars.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to deny Ms. Colucci's request. Motion carried unanimously.

A request for extension from the 2008 instructor seminar from Marlena Faye Hollis was submitted. It basically states she was confused about the length of time to obtain the sixteen (16) hours. She received notification of the Knoxville seminar but was not able to attend due to family issues and pregnancy. A letter from Tennessee Technology Center in Paris, Tennessee was also submitted asking that Ms. Hollis be given an extension.

MOTION was made by Ms. June Huckleby and seconded by Ms. Nina Coppinger to deny the extension due to not having a medical statement. Motion carried unanimously.

A request for extension from the 2007 instructor seminar from Garrentine Prather was submitted. Ms. Prather did attach a physician statement advising she was the primary care giver for her father during his months of illness.

MOTION was made by Ms. Linda Colley and seconded by Ms. June Huckleby to deny the request for an extension. Motion carried unanimously.

A request for extension from the 2008 instructor seminar from Tiffany Michelle Jones was submitted. She states she had a position change that kept her from attending the Nashville seminar. She is not longer teaching cosmetology but would like to keep her instructor status current.

MOTION was made by Ms. June Huckleby and seconded by Ms. Nina Coppinger to deny her request. Motion carried unanimously.

A request for extension from the 2008 instructor seminar from Kathy Annice Dixon was submitted. Attached was an Emergency Room excuse from August 7, 2008 to August 11, 2008 from Southern Tennessee Medical Center.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to grant the extension and require Ms. Dixon to attend the 2009 & 2010 instructor seminars. Motion carried unanimously.

A request for extension from the 2007 instructor seminar from James E. Lacy was submitted. Mr. Lacy states in 2007 he had family trouble, his mother was ill and his son was incarcerated and that he opened a new salon which made it impossible for him to attend.

MOTION was made by Ms. Linda Colley and seconded by Ms. Nina Coppinger to deny Mr. Lacy's request for extension. Motion carried unanimously.

A request for extension from the 2007 instructor seminar from James William Testerman II and to place his instructor status in inactive was submitted. He states he has allergies that were aggravated by chemicals and he accepted another job out of the field of cosmetology. He wants to place the instructor status in inactive status in case he ever needs the license. He also stated he never made it to the seminar due to lack of funds and his financial situation. He indicated he wanted to place his cosmetology license in retirement.

MOTION was made by Ms. Linda Colley and seconded by Ms. Nina Coppinger to deny Mr. Testerman's request. Motion carried unanimously.

A request for extension from the 2008 instructor seminar from Sandra Ann User was submitted. Attached is a physician statement for dental work she had out of state.

MOTION was made by Ms. Linda Colley and seconded by Ms. June Huckleby to grant Ms. User her extension and require she attend the 2009 and 2010 instructor seminars. Motion carried unanimously.

A request for extension from the 2008 instructor seminar from Adrienne Roddy was submitted. She was previously granted an extension from the 2005 instructor seminar but was required by the board to attend the 2006 and 2007 instructor seminars. She attend the 2006 seminar, but not the 2007 seminar, she did attend the 2008 instructor seminar.

MOTION was made by Ms. Linda Colley and seconded by Ms. June Huckleby to deny the request. Motion carried unanimously.

A request for extension from the 2008 instructor seminar from Christin Elaine Taylor was submitted. Ms. Taylor states she had the impression that the Director of the

cosmetology school she was employed, had sent in approval for a class at Virginia College. The class was not board approved, so the board did not approve the class and she is requesting an extension from the board.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to grant Ms. Taylor an extension and require she attend the 2009 and 2010 instructor seminars. Motion carried unanimously.

A request for extension from the 2008 instructor seminars from Rita Renee Kendall was submitted. She states she was admitted to surgery on July 24, 2008. Seminar was scheduled for August 10th & 11th, at which time she was recovering from surgery. August 14th she was re-admitted for the same surgery.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Judy Golden to deny the request until they receive documentation on the surgery. Motion carried unanimously.

A request from Ms. Brenda Elaine Diggs for reversal of the decision at the August board meeting to decline her request for extension from the instructor seminar was submitted. She did not provide additional information she would just like the board to reconsider.

MOTION was made by Ms. June Huckleby and seconded by Ms. Muriel Smith that the decision stands. Motion carried unanimously.

A request for extension from the 2008 instructor seminar from Lynda Nixon-Beach was submitted. She states she normally goes to the TSU seminar but she did not receive the information and she states she works two (2) jobs and can't go out of town. She states she does not teach cosmetology and has not taught in years.

MOTION was made by Ms. June Huckleby and seconded by Ms. Nina Coppinger to deny the request. Motion carried unanimously.

A request for extension from the 2008 instructor seminar from Gregory Allen Edwards was submitted. Mr. Edwards states he was unaware the continuing education classes had to be board pre-approved. Ms. Beverly Waller, Executive Director stated this is the Director from the Virginia College and he is no longer in charge.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to grant Mr. Allen an extension to attend in 2009 and 2010 with a letter advising him of the continuing education classes. Motion carried unanimously.

A request for extension from the 2007 instructor seminar from Elaine Cassell was submitted. Ms. Cassell states she was not aware the continuing education classes had to be pre-approved by the board. Ms. Cassell was employed also by Virginia College Cosmetology School and attended continuing educational classes at the school.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to grant Ms. Cassell her extension and require she attend the 2009 and 2010 instructor seminars. Motion carried unanimously.

A request for extension from the 2008 instructor seminar from Shannon Nicole James was submitted. Ms. Jones states during 2008 she had an illness in her family with both of her daughters.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to request proof of the illness and they will make a decision at that time. Motion carried unanimously.

Lynnette Darlene Campbell is requesting reciprocity of her manicurist license. She has a California manicurist license with 400 hours her initial date of license was July 5, 2005. She has no five (5) year work history.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to request Ms. Campbell to return to school for an additional 200 hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Laura Hoffman is requesting reciprocity of her manicurist license. She has a Florida manicurist license with 240 hours her initial date of license January 22, 2008. Certification states "Initial from null & void" her license were expired. Work history is July 2002 thru September 2004.

MOTION was made by Ms. Judy Golden and seconded by Ms. Linda Colley to request Ms. Hoffman return to school for an additional 360 hours then take and pass her manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

MinJung Williams from South Korea is requesting reciprocity of her manicurist license. She has no hours of instruction. Her employment period is August 16, 2007 thru November 8, 2007 was in an apprenticeship.

MOTION was made by Ms. Muriel Smith and seconded by Ms. June Huckleby to request Ms. Williams to attend school for 600 hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Phung Long Le is requesting reciprocity of her manicurist license. She has a Florida manicurist license with 240 hours and her initial date of license is April 17, 2007. Certification states "Initial from Null & Void" with license expired. Her work history submitted was not a complete 5 years and in question.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to request Ms. Le return to school for an additional 360 hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Angela F. Walker is requesting reciprocity of her cosmetology license. She has a North Carolina cosmetology license with 1,200 hours and initial date of license is May 27, 1999. She has a gap in her five year work history in 2005.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to request Ms. Walker to attend school for an additional 300 hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

Hoang Oanh Le is requesting reciprocity of her cosmetology license from Vietnam. Ms. Le received her beauty care diploma in Vietnam January 2002. Study results show 2,304 hours.

MOTION was made by Ms. Linda Colley and seconded by Ms. June Huckleby to request more information. Motion carried unanimously.

Jefferson Vu is requesting reciprocity of his manicurist license from California. He received his manicurist license in Oklahoma by reciprocity of California with 400 hours instruction. Mr. Vu previously applied for reciprocity in Tennessee in May 2008 with 400 hours from California. He applied recently for reciprocity with a license from Oklahoma that requires 600 hours as does Tennessee in the manicurist curriculum but he obtained an Oklahoma license by reciprocity from California. No five year work history provided.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to request Mr. Vo to attend school for an additional 200 hours then take and pass the manicurist examination to become a licensed in the State of Tennessee. Motion carried unanimously.

Willis Duong is requesting reciprocity of his manicurist license from Oregon. Mr. Duong previously was approved to take the Tennessee manicurist examination, February 11, 2008 with 617 hours he obtained in the manicurist curriculum at Anthony's Beauty School in Oregon. He did not take the test in Tennessee. Initial date of licensing in Oregon as a manicurist is June 23, 2008. Oregon requires 350 hours in the manicurist curriculum.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to request Mr. Duong to obtain 250 hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Blanca Rosa Dominquez- is requesting reciprocity of her cosmetology license from Florida. She has 1,200 hours of instruction with her initial date of license September 9, 1987. Her work history submitted is for ownership of a salon. Ms. Waller asked the board if they will accept proof of ownership of a salon for 1998-2006 as proof of work history.

MOTION was made by Ms. June Huckleby and seconded by Ms. Judy Golden to require a five year work history as a cosmetologist and not a salon owner. Motion carried unanimously.

Thuong Huyen Nguyen is requesting reciprocity of her manicurist license from Vietnam. Documents show she has 700 hours in manicuring with no issuance of date of completion from the documents.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to require Ms. Nguyen to provide more information on the 700 hours she has in manicuring. Motion carried unanimously.

Susan Carolyn Bunnell is requesting reciprocity of her manicurist license from Ohio. She has 200 hours of instruction with initial date of license October 18, 2004 she has no five year work history.

MOTION was made by Ms. Judy Golden and seconded by Ms. Linda Colley to require Ms. Bunnell to obtain 400 hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Tammie M Armstrong is requesting reciprocity of her aesthetician license from South Carolina. She obtained 450 hours of instruction with her initial date of license June 12, 2007 with no five year work history.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to obtain an additional 300 hours then take and pass the aesthetician examination to become licensed in the State of Tennessee. Motion carried unanimously.

Kristie Michelle English is requesting reciprocity of her manicurist license from Indiana. She has 450 hour of instruction with initial date of license February 22, 2002 she has no five year work history.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to request Ms. English obtain additional hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Carmena Joy Simms is requesting reciprocity of her manicurist license from Mississippi. She has 352 hours (350) of instruction with initial date of license August 9, 2006 she has no five year work history.

MOTION was made by Ms. Judy Golden and seconded by Ms. Linda Colley to request Ms. Simms to obtain an additional 248 hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Misty Marie Parsons is requesting her manicurist and aesthetician license from Florida. She has 240 hours as a manicurist and 260 hours as an aesthetician (facial specialist). She has no five year work history because she sold her salon and traveled for two (2) years.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to require Ms. Parsons to obtain an additional 490 hours in esthetics and 360 additional hours in manicuring then take and pass both of examinations (manicurist & aesthetician) to become licensed in the State of Tennessee. Motion carried unanimously.

Uyen Thi Ngoc Do is requesting reciprocity of her manicurist license from Massachusetts. She has 400 hours of instruction with initial date of license September 29, 2003 and no five year work history.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to require Ms. Do to obtain an additional 200 hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Duc Minh Pham is requesting reciprocity of his manicurist license from Georgia. He has 150 hours training from a board approved nail technician school or school of cosmetology with initial date of license October 9, 2007 and no five year work history.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to request Mr. Pham take an additional 450 hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Man Ngo is requesting reciprocity of his manicurist license from Massachusetts with 400 hours of instruction and initial date of license May 28, 2002. He received reciprocity to Kentucky and submitted work history for 2003-2006-2007 stated he lost the other tax year records.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to request Mr. Ngo obtain his IRS records or take an additional 200 hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Randa Haddad Mangano is requesting reciprocity of his manicurist license from Michigan with 400 hours of instruction and initial date of license September 15, 1998 and no five year work history.

MOTION was made by Ms. Linda Colley and seconded by Ms. Nina Coppinger to request Mr. Mangano take an additional 200 hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Han Thai Ngoc Nguyen is requesting her manicurist license from California with 400 hours of instruction and initial date of license June 30, 2008 and no five year work history.

MOTION was made by Ms. Linda Colley and seconded by Ms. Nina Coppinger to request Ms. Nguyen obtain 200 additional hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Xuan Anh Ngoc Ma is requesting reciprocity of her manicurist license from Vietnam. Documents states she has 700 hours of instruction with date of license February 9, 2006 and no five year work history.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckeby to request Ms. Ma to take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Thao H, Huynh is requesting reciprocity of his manicurist license from Alabama. He obtained his hours apprenticed with Nail City and initial date of license June 25, 2008.

MOTION was made by Ms. Judy Golden and seconded by Ms. Linda Colley to deny his request for reciprocity and require Ms. Huynh return to school for the required hours. Motion carried unanimously.

Malgorzata Lepkowska is requesting her cosmetology license from New Jersey. She has 1,010 hours of instruction and her initial date of license January 20, 2003. Her work history submitted is from September 1, 2000 to October 1, 2005. Her recent and consistent five year work history as required would be 2003-2007.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to require Ms. Lepkowska to obtain 490 additional hours then take and pass the cosmetology examination. Motion carried unanimously.

Jennifer Rene Greene is requesting her cosmetology license from Florida. Her hours of instruction are 1,200 with initial date of license March 28, 2008 and no five year work history.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Greene to obtain an additional 300 hours and take and pass the cosmetology examination. Motion carried unanimously.

Ashley Annunziata is requesting reciprocity of her cosmetology license from New Jersey with 1,109.5 hours of instruction and initial date of license May 22, 2005 with reciprocity from Arizona April 7, 2007. Work history submitted is June 2005-July 2006 and August 2006 to September 2007 which is not the required five year work history.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckleby to request Ms. Annunziata to obtain an additional 492.5 hours and take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

Yuliya Ivgniva Howard is requesting reciprocity of her cosmetology license from Ukraine. She obtained 790 hours in hairdresser curriculum. Also states probation period at the ALTAN Private Company since August 5, 2001 until March 9, 2001- 760 hours Total hours 1,550 from training and private company.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to accept the 790 hours and require she obtain another 740 hours of instruction for a total of 1,500 hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

Mary Ellen Cox is requesting reciprocity of her Cosmetology Instructor license from Massachusetts. She has 1,000 hours of instruction. Massachusetts has no additional schooling hours required for Instructors. She has a five year work history as instructor from June 2003- 2008 from Kay Harvey Academy.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to accept her application for reciprocity of her cosmetology instructor license. Motion carried unanimously.

Melissa Diamond Lippman is requesting reciprocity of her cosmetology license from Florida with 1,200 hours of instruction and her initial date of license was May 28, 2003. Work history submitted is not a recent and consistent five year work history.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to request Ms. Lippman to obtain 300 additional hours then take and pass her cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

Bano Nasim Baig is requesting reciprocity of her cosmetology license from Pakistan. Documents show she received a diploma as beautician in December 2001.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger requesting more information on her school hours and education. Motion carried unanimously.

Justin Michael Parrott is requesting reciprocity of his cosmetology license from Florida. His initial date of license was October 11, 2007 with no five year work history.

MOTION was made by Ms. Judy Golden and seconded by Ms. Linda Colley to request Mr. Parrott obtain an additional 300 hours then take and pass the cosmetology license to become licensed in the State of Tennessee. Motion carried unanimously.

Terry I. Vasi is requesting reciprocity of her cosmetology license from Florida. She has 1,200 hours of instruction with an initial date of license May 16, 1989. Ms. Vasi was a salon owner and etc. Ms. Waller is presenting her five year work history for review for the board's decision.

MOTION was made by Ms. Linda Colley and seconded by Ms. Muriel Smith to request Ms. Vasi to appear before the board. Motion carried unanimously.

Dat Diep is requesting reciprocity of her manicurist license from Arkansas. The applicant went to school at Lorinda's Hair Care & Beauty School in Tacoma, Washington and accumulated 600 hours. She took the manicurist examination in Arkansas because it is given in the Vietnamese language. Her initial date of license in Arkansas is March 19, 2008 and now she is applying for reciprocity of license to Tennessee. Ms. Waller's concern to the Board is the Diploma from Lorinda's Hair Care & Antonio's Beauty School states the applicant completed 600 hours in the study of manicuring and was issued the certificate August 2007. The letter from the school states she graduated from the school May 2008.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden requesting Ms. Waller write a letter asking for clarification on the dates. Motion carried unanimously.

Katherine Windlan is requesting reciprocity of her aesthetician license from Florida. Hours of instruction are 260 hours with initial date of licensing July 13, 1999. She submitted copies of five years of occupational licenses which show she was the salon owner. Occupation on the tax forms state retired.

MOTION was made by Ms. Judy Golden and seconded by Ms. Nina Coppinger to request Ms. Windlan obtain an additional 490 hours in esthetics then take and pass her aesthetician examination to become licensed in the State of Tennessee. Motion carried unanimously.

Trang T. Ho is requesting reciprocity of her manicurist license from Georgia. Her letter states she apprenticed in Lucky Salon from November 2003 to March 2008 with initial date of license March 8, 2007.

MOTION was made by Ms. Judy Golden and seconded by Ms. Linda Colley to request Ms. Ho take 600 hours in manicuring then take and pass the manicure examination to become licensed in the State of Tennessee. Motion carried unanimously.

Application for reciprocity of manicurist license from Carine Harris was presented at the August Board meeting. The board voted if she would submit proof of her husband's military record the application would be reviewed at the next board meeting for consideration for reciprocity.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to request Ms. Harris to obtain an additional 350 hours then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Ms. Beverly Waller, Executive Director received an email requesting they be able to add a skin care shop in the back of their massage therapy business. Ms. Pearl Walker, Board Member visited the location and took these pictures for the board to review.

The board asked that this request be tabled until the next board meeting since Ms. Walker is absent today.

A request from Ms. Delilah Speed who is in the process of preparing an application for the Tennessee Department of Education for authorization of a Post Secondary course in Laser fundamentals, procedures, applications, law, safety and standards. She is requesting approval of the sample letter to be sent from the board to the department of education advising the board has no jurisdiction or educational programs in the area of lasers.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to have Mr. Terrance Bond, Staff Attorney send this sample letter. Motion carried unanimously.

Information was submitted to the board office informing the board about the four day class week. Colleges give the four day week an A-plus.

A request for retention of hours after the seven (7) years required for completion from Brittany Hill. Her original date of enrollment in the cosmetology curriculum is August 2000. Ms. Beverly Waller, Executive Director contacted Ms. Hill about her letter which states she had found a barber school to enroll in and she stated that is a typographical error, she meant cosmetology school.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Linda Colley to deny the request. Motion carried unanimously.

A request for retention of hours after the seven (7) years required for completion was submitted by Rosemary Stewart. Her original date of enrollment in the cosmetology curriculum was March 1, 1989.

MOTION was made by Ms. Judy Golden and seconded by Ms. Linda Colley to deny the request. Motion carried unanimously.

Melanie W. Guinn, Owner of Freedom Massage, Skin Care& Spa, a division of Freedom Fitness & Tanning LLC sent a request with a diagram and photos to request approval to put a styling area in the back of her tanning salon which does not have a separate entrance in the back area.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to deny the request. Motion carried unanimously.

Evaluations from the TSU Barber/Cosmetology Instructors Seminar were presented to the board members.

Evaluations from the Knoxville Barber/Cosmetology Instructor Seminar were present to the board members.

A request for extension from the 2007 cosmetology instructor seminar from Amanda McCord was submitted to the office. She states she was not able to attend due to her father's death and terminal cancer. Ms. Beverly Waller, Executive Director asked for a physician statement and Ms. McCord said she prepared this letter and Dr. Jennifer Kurtz M.D. signed.

MOTION was made by Ms. Linda Colley and seconded by Ms. Nina Coppinger to request Ms. Waller write Ms. McCord requesting more documentation. Motion carried unanimously.

A request for extension from the 2008 cosmetology instructor seminar from three (3) instructor's at Vatterott College. Instructor Stephanie Coppage states it was a result of her in California tending to a sick family member and no one was on site to rectify the situation. The instructors were under the impression they could make it up later that month.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to deny the extension due to the instructor's personal responsibility to attend the required seminars. Motion carried unanimously.

A request for reciprocity of cosmetology license from Kentucky for David Turner was submitted. Certification states he is an apprentice cosmetologist. The definition of an apprentice cosmetologist in Kentucky is upon completion of 1,800 hours the individual is eligible to apply for an apprentice cosmetology license by submitting the appropriate examination application. Upon successful completion of both portions of the examination an apprentice cosmetologist license is issued. An apprentice cosmetologist must work for at least six (6) months under the immediate supervision of a licensed cosmetologist. Upon completion of the six (6) months apprenticeship the individual is eligible to apply for the regular cosmetologist examination.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckleby to request Mr. Turner take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for the manicurist examination from Ashley Mae Brigham who has a felony was submitted to the board. All applications for examination that candidates have a felony must now be presented to the board for approval per the legal department. This is in reference to law 62-4-127.

MOTION was made by Ms. Judy Golden and seconded by Ms. Linda Colley to approve Ms. Brigham to take the manicurist examination. Motion carried unanimously.

An application for the cosmetology examination from Demikol T. DeCosta who has had a felony was submitted to the board.

MOTION was made by Ms. Judy Golden and seconded by Ms. Linda Colley to approve Ms. Brigham to take the cosmetology examination. Motion carried unanimously.

A request for an extension from the 2008 instructor seminar was submitted by Ms. Brenda Arnold. Ms. Arnold stated that she could not financially afford to attend the seminar.

MOTION was made by Ms. June Huckleby and seconded by Ms. Muriel Smith to deny the request for extension. Motion carried unanimously.

An application for change of ownership and change of name from Barton's School of Cosmetology to Wampler's School of Hairdesign was submitted.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to have Ms. Judy Golden, Board Member inspect the school. Motion carried unanimously.

Consent orders totaled \$73,450.00.

America Nail
1483 Nashville Pike
Gallatin, TN 37066

Violation issued June 13, 2008
Pd \$1,000.00 on 8-15-08

Da-Vi Nails
204 North Anderson Lane
Hendersonville, TN 37075

Violation issued July 1, 2008
Pd \$2,000.00 on 8-22-08

Da-Vi Nails
5255 Elvis Presley Blvd.
Memphis, TN 38116

Violation issued June 4, 2008
Pd \$2,000.00 on 9-22-2008

Eston Salon Spa
8100 Macon Station
Cordova, TN 38018

Violation issued May 21, 2008
Pd \$500.00 on 9-15-2008

Fantasy Nails
2063 New Lascassas Pike
Murfreesboro, TN 37130

Violation issued June 24, 2008
Pd \$3,500.00 on 9-9-2008

Franklin Academy
633 Mimosa Drive NW
Cleveland, TN 37312

Violation issued May 13, 2008
Pd \$500.00 on 9-4-2008

Georgia Career Institute
755 N. Chancery Street
McMinnville, TN 37110

Violation issued May 6, 2008
Pd \$500.00 on 9-4-2008

Great Clips Lions Head
54 White Bridge Road
Nashville, TN 37205

Violation issued May 14, 2008
Pd \$500.00 on 8-29-2008

Hairvoyant
99 White Bridge Road
Nashville, TN 37205

Violation issued May 14, 2008
Pd \$500.00 on 8-20-08

Nails So Happy
2042-A-9 Lascassas
Murfreesboro, TN 37130

Violation issued June 13, 2008
Pd \$3,000.00 on 9-30-08

Nails 2000
7097 Old Harding Pike
Nashville, TN 37221

Violation issued May 29, 2008
Pd \$1,500.00 on 8-28-08

Nail Trix
2011 N. Road Street
Johnson City, TN 37601

Violation issued July 8, 2008
Pd \$3,000.00 on 9-4-08

Nail World
6335 Charlotte Avenue
Nashville, TN 37209

Violation issued May 2, 2008
Pd \$3,750.00 on 8-20-08

New Reflections
400 State of Franklin Road
Johnson City, TN 37604

Violation issued April 3, 2008
Pd \$500.00 on 9-11-08

Oddysey Pedispa
7741 S. Northshore Drive
Knoxville, TN 37919

Violation issued July 3, 2008
Pd \$1,000.00 on 9-9-08

Pretty Nails
1628 W. Broadway
Maryville, TN 37801

Violation issued April 4, 2008
Pd \$1,500.00 on 9-18-08

Right Touch Beauty
803 Finley Beech Road
Lewisburg, TN 37091

Violation issued June 6, 2008
Pd \$2,500.00 on 9-30-08

Roots Hair Salon
2025 Chambliss Avenue
Cleveland, TN 37311

Violation issued April 16, 2008
Pd \$500.00 on 9-4-08

Royal Nails & Tanning
15120 Old Hickory Blvd.
Nashville, TN 37211

Violation issued June 5, 2008
Pd \$1,500.00 on 9-9-08

Signature Nails Spa
3900 Hillsboro Road
Nashville, TN 37215

Violation issued February 8, 2008
Pd \$12,000.00 on 9-15-08

Smart Style #4247
7525 Winchester
Memphis, TN 38125

Violation issued May 15, 2008
Pd \$1,500.00 on 9-2-08

T Nails
1129 Parkside Drive
Farragut, TN 37934

Violation issued April 26, 2008
Pd \$4,000.00 on 10-1-2008

Tek Nails
6631 Clinton Hwy #110
Knoxville, TN 37912

Violation issued April 26, 2008
Pd \$2,000.00 on 9-11-08

Ultimate Nails
126 N. Belvedere Drive
Gallatin, TN 37066

Violation issued May 9, 2008
Pd \$2,000.00 on 8-15-08

U.S. Nails
9450 S. Northshore Drive
Knoxville, TN 37922

Violation issued July 2, 2008
Pd \$1,000.00 on 8-29-08

Venetian Nail Spa
115 Summer Lake Place
Hendersonville, TN 37075

Violation issued May 27, 2008
Pd \$750.00 on 9-10-08

Venetian Nails Spa
2114 Green Hills Village Drive
Nashville, TN 37215

Complaint file
Pd \$12,000.00 on 8-06-08

Nail Bliss
913 Conference Drive
Suite 102
Goodlettsville, TN 37072

Violation issued June 6, 2008
Pd \$750.00 on 9-2-08

Paris Nails
8587 Keyseichel Court
Ooltewah, TN 37363

Violation issued May 1, 2008
Pd \$1,750.00 on 8-28-08

Rainbow Nails
1418-G West Main St.
Lebanon, TN 37087

Violation issued July 16, 2008
Pd \$1,500.00 on 8-15-08

Solace Nails and Spa
1050 Glenbrook Way
470
Hendersonville, TN 37075

Violation issued April 17, 2008
Pd \$2,000.00 on 8-21-08

Star Nails
3655 Millbranch Road
Memphis, TN 38116

Violation issued July 3, 2008
Pd \$1,500.00 on 10-6-08

Studio Nails
3802 #D Nolensville Road
Nashville, TN 37211

Violation issued May 14, 2008
Pd \$500.00 on 8-21-08

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to approve the consent orders totaling \$65,000.00. Motion carried unanimously.

AMENDED MOTION was made by Ms. June Huckeby and seconded by Ms. Nina Copping to approve the consent orders totaling \$73,450.00. Motion carried unanimously.

STAFF ATTORNEY REPORT

AMENDED: #11, 14, 16, 26, 28, 29

1. L-08-COS-RBS-200801857-1

Consumer complaint alleges that Respondent licensee cut her daughters hair against her instructions and then laughed with the consumer objected to the cutting. Consumer states further that the licensee began laughing when she presented her concerns and stated "It's only a haircut". Respondent, through its attorney, states that the daughter of the consumer, who was 14 years old at the time, consented to the haircut after she was advised that she had some split ends and was asked by the licensee if she wanted her hair cut.

No Prior History indicated

Recommendation: Close with a letter of warning re: professional courtesy.

2. L-08-COS-RBS-200801977-1

Notice of Violation issued August 14, 2008 states that the Inspector observed that no shop license, recent inspection sheet or operator's license were displayed at Respondent shop.

No Prior History indicated

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$500.00 civil penalty.

3. L-08-COS-RBS-200801978-1

Notice of Violation issued August 13, 2008 states that the Inspector observed that no manager was present while the cosmetology shop was open for business.

No Prior History indicated

Recommendation: Close with a letter of warning re: presence of manager.

4. L-08-COS-RBS-200801981-1

Notice of Violation issued August 19, 2008 states that the Inspector found a wax machine, which was hot and ready for use, in the manicuring salon.

No Prior History indicated

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$750.00 civil penalty.

5. L-08-COS-RBS-200801982-1

Notice of Violation issued August 20, 2008 states that the Inspector found a wax machine in the manicuring salon. The inspector also observed that operators in the shop were not wearing the required identification tags.

Prior History

9/11/07-Wax machine found in shop, closed with a letter of warning

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$2,000.00 civil penalty.

6. L-08-COS-RBS-200801983-1

Notice of Violation issued August 13, 2008 states that the Inspector observed the Respondent shop owner operating Respondent shop while the shop's license was expired and had been expired since January 31, 2008. The shop license is now current.

No prior history indicated

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$500.00 civil penalty.

7. L-08-COS-RBS-200801984-1

Notice of Violation issued August 19, 2008 states that the Inspector observed that the new owner of Respondent shop failed to file appropriate paperwork for a change of ownership and issuance of a new shop license within thirty (30) days of the change, as required by law. Respondent owner was providing service to clients in Respondent shop at inspection time.

No Prior History indicated

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$500.00 civil penalty.

8. L-08-COS-RBS-200801985-1

Notice of Violation issued August 8, 2008 states that Inspector observed that shop licenses for Respondent shop were not displayed, a manicurist licensee had failed to display her current license and that a licensee was providing license-required services in Respondent shop before she had paid for her license.

No Prior History indicated

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$1,000.00 civil penalty with instructions to display license.

9. L-08-COS-RBS-200801993-1

Notice of Violation issued August 5, 2008 states that the Inspector observed two individuals who were seated at manicuring tables but could not verify their licensure. The owner of the shop refused to provide identification for either of the two individuals.

No Prior History indicated

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$3,000.00 civil penalty.

10. L-08-COS-RBS-200801994-1

Notice of Violation issued August 8, 2008 states that the Inspector observed that the shop license for Respondent shop was expired and had been expired since January 31, 2008. The license is now current. The inspector states that the shop would have received a grade of 100, but for the expired shop license.

No Prior History indicated

Recommendation: Authorize formal hearing with authority to settle by Consent Order and civil penalty of \$500.00.

11. L-08-COS-RBS-200801996-1

Notice of Violation issued July 30, 2008 states that the inspector observed a licensed cosmetologist operating an unlicensed cosmetology shop.

No Prior History indicated

Recommendation: Authorize formal hearing with authority to settle by Consent Order and civil penalty of \$2,000.00 and instructions to CEASE AND DESIST operating the unlicensed facility. With 30 days to respond.

FINAL RECOMMENDATION: Order should include explicit instructions to IMMEDIATELY CEASE AND DESIST operating the unlicensed facility.

12. L-08-COS-RBS-200801985-1

Notice of Violation issued August 19, 2008 states that the Inspector observed that no licensed manager was present while a licensee whose personal license was expired was providing service in Respondent shop. The licensee also failed to wear the required identification tag. In addition, barbicide was not provided at any work stations in Respondent shop. The licensee's personal license is now current.

No Prior History indicated

Recommendation: Authorize formal hearing with authority to settle by Consent Order and civil penalty of \$1,500.00.

13. L-08-COS-RBS-200802013-1

Notice of Violation issued August 14, 2008 states that the Inspector observed that no manager was present while license-required services were being rendered at Respondent shop, that an unlicensed individual was providing license-required service to a client in

Respondent shop and that a licensed aesthetician was providing manicure service to a client in Respondent shop.

Prior History-3/24/07, Notice of Violation (unlicensed operators), paid \$2,000.00

Recommendation: Authorize formal hearing with authority to settle by Consent Order and civil penalty of \$3,000.00.

14. L-08-COS-RBS-200802015-1

Notice of Violation issued August 19, 2008 states that the inspector observed the following conditions in Respondent shop:

- 1) nail dust was present in drawers where tools were stored;
- 2) drill bits and dusters were not properly stored;
- 3) pedicure tubs drains were not properly cleaned (dead skin, lint and mold were found in all drains;
- 4) a wax machine, which was hot and had apparently been used, was found on one of the manicuring tables.

Prior History

3/11/08, Violation (unlicensed operator), paid \$1,000.00

Recommendation: Authorize formal hearing with authority to settle by Consent Order and civil penalty of \$3,000.00.

FINAL RECOMMENDATION: Raise the civil penalty to \$4,000.00.

15. L-08-COS-RBS-200802019-1

Notice of Violation issued August 7, 2008 states that the Inspector found a wax machine in Respondent manicuring salon.

Prior History is greater than 10 years prior to today.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and civil penalty of \$750.00.

16. L-08-COS-RBS-200801765-1

Notice of Violation issued August 18, 2008 states that the Inspector observed unlicensed individuals practicing cosmetology in an unlicensed facility.

No Prior History

Recommendation: Issue a CEASE and DESIST Consent Order and refer to proper authorities for prosecution if Respondent fails to comply. 14 days to return consent order.

FINAL RECOMMENDATION: Order immediate closure and give Respondent fourteen days to return the signed Consent Order indicating that they have agreed to close. Refer to proper authorities if Respondent fails to comply.

17. L-08-COS-RBS-200801764-1

Notice of Violation issued August 16, 2008 states that Inspector observed that the licensee was performing waxing in the manicuring portion of Respondent salon, which is licensed to provide both manicuring and skin care services.

Recommendation: Send a letter recommending the relocation of the waxing service to the skin care salon.

18. L-08-COS-RBS-200801763-1

Notice of Violation issued July 24, 2008 states that the Inspector found a wax machine and materials used in waxing in Respondent shop. The inspector also found that, while no licensees were found working at inspection time, the shop license for Respondent shop was expired and had been expired since December 31, 2007. The shop license is now current.

Prior History

2/18/05-Violation (wax machine), closed with a letter of warning

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$2,000.00 civil penalty.

19. L-08-COS-RBS-200801762-1

Notice of Violation issued July 14, 2008 states the Inspector observed that Respondent shop was open and operating prior to receiving the required inspection.

No prior history indicated

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$500.00 civil penalty.

20. L-08-COS-RBS-200801594-1

Consumer complaint states that the licensee rendered extremely unsatisfactory haircut service.

No Prior History indicated

Recommendation: Close with no action and note the dispute on the licensee's file.

21. L-08-COS-RBS-2008012169-1

Notice of Violation issued September 3, 2008 states that the Inspector observed an unlicensed individual providing license-required service to a patron in Respondent shop.

Prior History

6/21/02-Violation (drill refusal, bed in shop, identification not worn), paid \$300.00

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$1,500.00 civil penalty.

22. L-08-COS-RBS-200802170-1

Notice of Violation issued September 4, 2008 states the Inspector observed an unlicensed individual providing license-required service to a patron in Respondent shop. The Inspector also noted that no licensees in Respondent shop were wearing identification tags.

No Prior History indicated

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$2,000.00 civil penalty.

23. L-08-COS-RBS-200802171-1

Notice of Violation issued August 28, 2008 states that no manager was present while license-required services were being rendered in Respondent shop. The inspector also found that a copy of a personal license for a part-time employee was posted in Respondent shop, and that an aesthetician's personal license was also posted in Respondent shop, which is licensed as a cosmetology shop.

Recommendation: Authorize formal hearing with authority to settle by Consent Order agreeing to CEASE and DESIST inappropriate display of licenses and provision of services beyond the scope of licensure and \$1,500.00 civil penalty.

24. L-08-COS-RBS-200802172-1

Notice of Violation issued September 5, 2008 states that the inspector observed two (2) unlicensed individuals providing license-required service to patrons in Respondent shop.

Prior History

2/01/01-Violation (unlicensed operator), paid \$500.00

Recommendation: Authorize formal hearing with authority to settle by Consent Order and civil penalty of \$2,000.00.

25. L-08-COS-RBS-200802173-1

Notice of Violation issued September 11, 2008 states that the Inspector observed an unlicensed individual providing license-required service to a patron in Respondent shop.

Prior History

3/11/03-Violation (unlicensed operator), paid \$500.00

7/20/06-Violation (unlicensed operator), paid \$1,000.00

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$3,000.00 civil penalty.

26. L-08-COS-RBS-200802174-1

Notice of Violation issued September 19, 2008 states that the inspector observed the following conditions in Respondent shop:

- 1) ventilation of fumes was inadequate and the Inspector had to ask the shop owner to activate the ventilation system after he entered the shop;
- 2) dirty towels were left on the floor around pedicure chairs;
- 3) four licensees were providing license-required services to patrons in Respondent shop and were not wearing required identification tags;
- 4) a pair of rusty pliers were found in a box where clean manicure tools were stored;
- 5) drill bits and nail dusters at all station were not sanitized and properly stored after use;
- 6) a cordless drill was found lying out in the manicuring area; dust and dead skin were present on the surface of the drill;
- 7) a fish bowl or tank was found in the salon;
- 8) a pocket-sized license was posted at a licensee's station

Prior History

5/18/06 and 6/22/06-Violations (combined for unlicensed operator), paid \$2,000.00

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$4,000.00 civil penalty and immediate removal of the fish tank and cleaning of the shop.

FINAL RECOMMENDATION: Raise the civil penalty to \$4,000.00.

27. L-08-COS-RBS-200802175-1

Notice of Violation issued September 5, 2008 states that inspector observed 5 unlicensed individuals practicing cosmetology in Respondent shop.

Prior History

8/25/04-Violation (unlicensed operator), paid \$1,000.00

2/21/07-Violation (unspecified), close with no action

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$4,000.00 civil penalty.

28. L-08-COS-RBS-200801798-1

Notice of Violation issued August 1, 2008 states that the inspector observed that fumigants had been removed from drawers where tools were stored, hair was present in all drawers where tools may have been stored and clippers were hanging from a cup hook with blades and guards attached

No Prior History indicated

Recommendation: Authorize formal hearing with authority to settle by Consent Order and civil penalty of \$500.00.

FINAL RECOMMENDATION: Issue a letter of warning and close.

29. L-08-COS-RBS-200800781-1

Notice of Violation issued March 19, 2008 states that the inspector observed an unlicensed individual providing license-required service to a patron in an unlicensed facility.

No Prior History indicated

Recommendation: Issue a CEASE and DESIST letter demanding that the owner close the shop within fourteen (14) days or the matter will be referred to the proper authority for prosecution.

FINAL RECOMMENDATION: Order the IMMEDIATE closure of the shop and give Respondent fourteen days to mail back Consent Order agreeing to close. Refer to proper authorities if Respondent fails to comply.

30. L-08-COS-RBS-200801138-1

Notice of Violation issued April 29, 2008 states that the inspector observed that a licensee posted a copy of her license at her work station.

Recommendation: Issue a letter of warning re: proper display of license.

31. L-08-COS-RBS-200801131-1

Notice of Violation issued April 18, 2008 states that the inspector observed a licensee practicing or attempting to practice cosmetology while her personal license was expired and had been expired since June 30, 2007. The license is now current.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$500.00 civil penalty.

32. L-08-COS-RBS-200801567-1

Notice of Violation issued June 26, 2008 states that the inspector observed two (2) unlicensed individuals providing license-required service to patrons in Respondent shop.

Prior History

10/25/05-Violation (unlicensed operator), paid \$500.00

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$3,000.00 civil penalty.

33. L-08-COS-RBS-200801438-1

Consumer complaint alleges possible practice of aesthetics in an unlicensed facility.

No Prior History indicated

Recommendation: Issue a CEASE and DESIST letter and Consent Order agreeing to stop any and all license-required service until Respondent either obtains the appropriate establishment license or associates with a properly-licensed establishment.

34. L-08-COS-RBS-200801550-1

Notice of Violation issued June 26, 2008 states that the inspector observed that an expired personal license was displayed—the individual to whom the license belonged was not present at inspection time. The individual now holds a current license.

No Prior History indicated

Recommendation: Issue a letter of warning re: proper display of licenses.

35. L-08-COS-RBS-200801148-1

Notice of Violation issued April 15, 2008 states that the inspector observed that Respondent shop was operating prior to receiving the required "change of location" inspection. On April 24, 2008, the inspector returned to find the shop operating prior to receiving clearance to operate.

Prior History

10/4/06-Violation (unlicensed operator), close with letter of warning

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$1,000.00 civil penalty.

36. L-08-COS-RBS-200801500-1

Notice of Violation issued June 10, 2008 states that the inspector observed a licensee practicing cosmetology in Respondent shop prior to the shop receiving its required inspection.

No Prior History

Recommendation: Issue a letter of warning re: required inspections.

37. L-08-COS-RBS-200801518-1

Notice of Violation issued June 17, 2008 states that the licensee was in violation of T.C.A. 62-4-122 and Rule 0440-1-.06.

Recommendation: Issue a letter of warning re: enrollment of students.

38. L-08-COS-RBS-200801615-1

Notice of Violation issued July 9, 2008 states that the inspector observed an unlicensed individual providing license-required service to a patron in Respondent shop.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and \$1,500.00 civil penalty.

39. L-08-COS-RBS-200801644-1

Student complaint alleges that she was not provided certain items in her practice kit that she had previously paid for. The student further alleges that the school continued to withhold these items as well as her records after she withdrew from the college. The

owner states in response that the student was provided kits only after she had completed a certain number of hours, in accordance with school policy. The school withheld a kit, according to the owner, because the student did not attend the class wherein the instruction was given concerning the kit that the student did not receive. The student was informed that she would receive the kit after she had received the required instruction.

Prior History

Extensive with 2 probationary terms served (2000- 1yr. and 2001- 3yrs.)

Recommendation: Informal conference.

Mr. Terrance Bond, Staff Attorney stated that he would like Ms. Linda Colley to attend informal conference with him.

40. L-08-COS-RBS-200801859-1

Parent of student alleges that Respondent school owner failed to release the student's hours to him unless he (the student) signed a document which he allegedly did not understand. Respondent school owner states that the student became confrontational after being asked to sign an attendance policy statement (which was required for every student), and that police were called after he threw a phone to the floor and began using verbally abusive language toward members of the staff. Other student statements indicate that the student was behaving irrationally on the day in question and that he had been asked to sign an attendance statement.

Recommendation: Dismiss and flag student file.

41. Complaint file number pending

The office recently received information indicating that a Tennessee licensee may have fraudulently obtained a license to practice cosmetology in another state.

Recommendation: Send the licensee a Consent Order providing for the Board's authority to monitor the administrative process against the licensee, and if the charging State Board makes a finding that a violation occurred, the licensee must agree to immediately revoke her Tennessee license or formal charges will be filed.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to accept the recommendations. Motion carried unanimously.

NEW RE-PRESENTED CASES:

1. L-08-COS-RBS-200801140-1

Board voted to offer settlement assessing a \$500.00 civil penalty regarding an expired personal license. The licensee has closed her shop and has no plans to re-open, and her license is now current.

Final Recommendation: Issue a letter of warning re: timely renewal of license and flag the licensee's file.

2. L-08-COS-RBS-200801560-1

Board originally voted to offer settlement assessing a civil penalty of \$2,500.00 against Respondent for sanitation violations and failure to require licensed employees to wear identification tags with file number provided. Through counsel, Respondent has agreed to pay a \$1,500.00 civil penalty for the violations as noted and has further agreed to suspend the shop license if any new violations against the shop are written six months from the date the Consent Order becomes final.

Final Recommendation: Accept the new terms of the Consent Order and the \$1,500.00 civil penalty as full settlement of the case against Respondent.

3. L-08-COS-RBS-200801609-1

Board originally voted to offer settlement assessing a civil penalty of \$3,750.00 against Respondent for two (2) unlicensed personnel, failure to supervise the provision of services and for having prohibited items present. Respondent sent in identification matching the name of one of the alleged unlicensed personnel and sent in a photograph of what was alleged to be a bed in the shop. The item appears to be a couch or futon which could possibly fold down into a bed.

Final Recommendation: Reduce the civil penalty to \$2,000.00 and revise the Consent Order in accordance with newly discovered facts.

4. L-08-COS-RBS-200801142-1

Board originally voted to offer settlement assessing a civil penalty of \$2,250.00 against Respondent for failure to properly sanitize tub jets and for having a prohibited item (a fish tank) in the salon. Respondent through counsel, agreed to all facts as stated in the original Consent Order and requested a reduction in the civil penalty amount. Respondent has signed a Consent Order admitting to all violations, agreeing to remove the fish tank, and has paid a \$1,750.00 and requests that the Board accept their offer of settlement.

Final Recommendation: Accept the Respondent's offer of settlement.

5. L-08-COS-RBS-200801480-1

Board originally voted to offer settlement assessing a civil penalty of \$3,000.00 against Respondent for accumulating three (3) unlicensed personnel violations in less than a year and ordered that Respondent shop be closed for 3 months. Respondent shop owner indicates the he and his wife, who are co-owners, are currently negotiating the sale of the shop and plan to cease practicing cosmetology once the business is sold. Respondent requests that the Board re-consider its offer proposing closure of the shop for three (3) - months, citing adverse financial effects that could result. Respondent indicates that the sale of the shop should become final in March 2009.

Final Recommendation: Retain authorization for formal hearing with authority to settle by payment of a \$3,000.00 civil penalty and Consent Order with the following terms:

In exchange for the Respondent's admission to all Findings of Fact and Conclusions of Law, the Board will agree to:

1) Allow the Respondent to complete the sale of Respondent shop in March 2009, provided:

a) No new violations are issued to the shop prior to the date the sale becomes final. If any new violations are issued, the Respondents will agree to suspend their shop license for a period of thirty (30) days.

b) Respondent pays the proposed civil penalty within thirty (30) days of the Board's acceptance of the new terms.

c) The sale of the shop actually occurs before the last day of March 2009, and the prior owners retain no interest therein. If the shop is not sold by the deadline, Respondent shop owners will agree to suspend their shop license for thirty (30) days, beginning on the date by which the shop should have been sold.

d) The Board will have the authority to require that the new owner's application for licensure be approved by vote prior to issuance of the new license if the Board so chooses.

6. L-08-COS-RBS-200801510-1

Board originally voted to offer settlement assessing a \$3,000.00 civil penalty and providing for the suspension of Respondent's shop license for three (3) months for accumulating three (3) unlicensed personnel violations in less than one (1) year. Respondent, through counsel, presented evidence proving that he was not the owner of the shop at the time the previous two (2) violations were issued.

Final Recommendation: Retain authorization for formal hearing with authority to settle by Consent Order and \$1,000.00 civil penalty.

7. L-08-COS-RBS-200801515-1

Board originally voted to offer settlement assessing a \$1,000.00 civil penalty against Respondent for one (1) unlicensed individual. Respondent shop owner provided proof that the accused individual actually was licensed at inspection time, but had not yet posted the new license, leaving the expired license displayed during the inspection.

Final Recommendation: Close with a letter of warning re: proper display of licenses.

8. L-08-COS-RBS-200801481-1

Board originally voted to offer settlement assessing a \$500.00 civil penalty against Respondent for operating a shop prior to inspection. Respondent shop owner states that she was not operating a shop, but that she is licensed to practice cosmetology and had owned a cosmetology shop at one time. Respondent states further that she had occasionally performed services without charge to former clients of hers who insisted that she style their hair, but that she does not operate any cosmetology shop and does not intend to do so again. Respondent continues to hold an active personal license, which was originally issued in 1972, and has never received a Notice of Violation for the shop which she previously owned.

Final Recommendation: Close with no action.

9. L-08-COS-RBS-200801639-1

Board originally voted to offer settlement assessing a \$3,000.00 civil penalty against Respondent for unlicensed personnel. Respondent shop owner has tendered \$1,500.00 of the proposed civil penalty and signed the Consent Order agreeing to all findings of facts and conclusions of law and has requested that the Board accept \$1,500.00 as settlement in full.

Recommendation: Accept the Respondent's offer of settlement.

10. L-08-COS-RBS-200800137-1

Board originally voted to offer settlement assessing a \$2,000.00 civil penalty against Respondent for having a wax machine present in the manicuring salon. Respondent has tendered payment of \$1,000 and signed the Consent Order agreeing to all findings of fact and conclusions of law and has requested that the Board accept \$1,000.00 as settlement in full.

Recommendation: Accept the Respondent's offer of settlement.

11. L-08-COS-RBS-200801476-1

Board originally voted to offer settlement assessing a \$4,000.00 civil penalty against Respondent for sanitation violations and suspected unlicensed activity. Respondent's representatives have indicated that the Respondent owner of Respondent shop has now sold the shop (which was confirmed by the Board office) and is no longer involved with the shop in any way.

Recommendation: Close with no action.

12. L-08-COS-RBS-200801145-1

Board originally voted to offer settlement assessing a \$4,500.00 civil penalty against Respondent for sanitation violations and for having a wax machine in the manicuring salon. Respondent scheduled a meeting to obtain guidance on compliance-related issues. Respondent also signed the Consent Order agreeing to all findings of fact and conclusions of law and has paid \$2,000.00. Respondent requests that the Board accept the payment and Consent Order as settlement in full.

Recommendation: Accept the Respondent's offer of settlement.

13. L-08-COS-RBS-200801514-1

Board originally voted to offer settlement assessing a \$1,500.00 civil penalty against Respondent for having a wax machine in the manicuring salon. Respondent presented evidence that a previous violation for waxing issued to the shop was issued prior to his ownership of the shop. Respondent has signed a Consent Order admitting to all findings of fact and conclusions of law relative to the most recently issued Notice of Violation, and has tendered payment of \$750.00. Respondent requests that the Board accept the payment and Consent Order as settlement in full.

Recommendation: Accept the Respondent's offer of settlement.

14. L-08-COS-RBS-200801470-1

Board originally voted to offer settlement assessing a \$1,000.00 civil penalty against Respondent for failure to supervise provision of services and for failure to display a license. Respondent shop owner scheduled a meeting and sought guidance on future compliance issues. Respondent owner also stated that the individual who's license was not displayed at inspection (although she is licensed and the license was left at another location where she also works), was the designated manager at inspection time.

Recommendation: Close with a letter of warning re: display of licenses.

MOTION was made by Ms. June Huckeby and seconded by Ms. Janet Wormsley to accept the recommendations. Motion carried unanimously.

OTHER BUSINESS

The board members discussed concerns they are having with esthetic shops. Some of the shops are advertising medical aestheticians. The board stated that Ms. Judy Golden should go inspect the shops that they are concerned with.

MOTION was made by Ms. Muriel Smith and seconded by Ms. June Huckleby to adjourn the meeting. Motion carried unanimously.